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constitution of 1802, the period following, "during which the people of the State were lacking in . . . state consciousness," the period of reaction with its overwhelming burden of state debts, the greed and anarchy of special interests, the insufficiency of the centralized power, the development of the State as a political unit with greater social, economic and political solidarity, the dissatisfaction with the judicial system, with taxation, with railroad and corporation influences, and the repeated efforts to adopt amendments and their rejection.

In general, the editing, organization and typography of the work have resulted in a well rounded out volume.

T. L. SIDLO.

The German Commercial Code, translated and briefly annotated.

By ALFRED F. SCHUSTER. (London, Stevens and Sons, 1911. 280 pages.)

The present translation of the German Commercial Code is much superior to Platt's translation of 1900, the only other English translation of that Code. It marks the entry into the field of comparative law of the son of the author of the *Principles of German Civil Law*, perhaps the most useful work on German law now available to English and American lawyers. Dr. Ernest Schuster has added to the value of his son's translation by writing an excellent introduction. He points out that the Commercial Code is not the final source of the legislation governing commercial transactions in Germany. Many legal provisions concerning such matters as purchase and sale, the form of agreements, suretyship, interest, instruments to bearer, pledge and lien, agents, carriers, warehousemen, etc., are contained in the Civil Code, and the corresponding portions of the Commercial Code are merely supplementary. Likewise much of the law which one might expect to find in the Commercial Code is found in separate statutes, for example, The Bills of Exchange Act, The Law of Cheques, The Stock Exchange Law, the Private Limited Companies Act, the Trade Marks Act, and similar statutes. The annotations of Mr. Schuster's translation of the Code are most useful in that they call attention to these related provisions and statutes. References are also made to Dr. Schuster's *Principles of German Civil Law*. The translation is faithful and the style of the English is better than that generally found in translations of legal works. Two important statutes standing

in close relation to the Commercial Code are translated in the Appendix; the Custody of Negotiable Instruments Act, 1896, and the Private Limited Companies Act, 1898. Book four of the Commercial Code, which deals exclusively with maritime law, has been omitted from the translation, as it generally is from the commentaries and treatises on the Code. Mr. Wendt has, indeed, already translated into English that portion of the Code. The work is well indexed. It should prove a welcome addition to the English literature on German legal institutions, rendered more necessary from year to year by the constantly increasing intercourse with Germany.

E. M. B.

The Territorial Basis of Government under the State Constitutions.

By A. Z. REED. (New York, Longmans, Green & Co., 1911. pp. 250.)

This recent number of the Columbia Studies does not deal with the whole subject of the territorial basis of state government, but with the somewhat more restricted field of the constitutional limitations which rest upon the state legislatures in creating local subdivisions for purposes of local government and of legislative apportionment. The work constitutes a very thorough comparative study of all the state constitutions both in their earlier and present forms, including those of Arizona and New Mexico, upon a matter of prime importance for the determination of the relations between state central and local government. There is no evidence in the work, however, that any sources of information have been used other than the bare texts of the Constitutions, and it is to be regretted that little or no reference is made to actual practice under the constitutional provisions.

The special weaknesses of our state system of political subdivisions, the author points out, are "their complexity and the manner in which they discriminate against urban centers" (page 240). When this discrimination against cities is made in the legislative apportionment for representation in one house but not in the other, a system of checks and balances is created between urban house and rural house which would be disastrous were it not for the fact that the interests of parties prevent the deadlock from taking an extreme form. The power of the legislature in making apportionments and in determining its own composition should, the author thinks, be reduced; and, to